

PATENT COOPERATION TREATY

From the INTERNATIONAL SEARCHING AUTHORITY

To:
CHARLES M. ALLEN
GOODMAN, ALLEN & FILETTI, PLLC
4501 HIGHWOODS PARKWAY, SUITE 210
GLEN ALLEN, VA 23060

PCT

NOTIFICATION OF TRANSMITTAL OF
THE INTERNATIONAL SEARCH REPORT AND
THE WRITTEN OPINION OF THE INTERNATIONAL
SEARCHING AUTHORITY, OR THE DECLARATION

(PCT Rule 44.1)

Date of mailing
(day/month/year)

14 JUN 2006

Applicant's or agent's file reference
WHITPCT02

FOR FURTHER ACTION See paragraphs 1 and 4 below

International application No.
PCT/US05/28509

International filing date
(day/month/year) 09 August 2005 (09.08.2005)

Applicant
MESSAGE LEVEL, LLC

1. ☒ The applicant is hereby notified that the international search report and the written opinion of the International Searching Authority have been established and are transmitted herewith.

Filing of amendments and statement under Article 19:

The applicant is entitled, if he so wishes, to amend the claims of the international application (see Rule 46):

When? The time limit for filing such amendments is normally two months from the date of transmittal of the international search report.

Where? Directly to the International Bureau of WIPO, 34 chemin des Colombettes
1211 Geneva 20, Switzerland, Facsimile No.: (41-22) 338.82.70.

For more detailed instructions, see the notes on the accompanying sheet.

2. ☐ The applicant is hereby notified that no international search report will be established and that the declaration under Article 17(2)(a) to that effect and the written opinion of the International Searching Authority are transmitted herewith.
3. ☐ **With regard to the protest** against payment of (an) additional fee(s) under Rule 40.2, the applicant is notified that:
- ☐ the protest together with the decision thereon has been transmitted to the International Bureau together with the applicant's request to forward the texts of both the protest and the decision thereon to the designated Offices.
- ☐ no decision has been made yet on the protest; the applicant will be notified as soon as a decision is made.

4. Reminders

Shortly after the expiration of **18 months** from the priority date, the international application will be published by the International Bureau. If the applicant wishes to avoid or postpone publication, a notice of withdrawal of the international application, or of the priority claim, must reach the International Bureau as provided in Rules 90bis.1 and 90bis.3, respectively, before the completion of the technical preparations for international publication.

The applicant may submit comments on an informal basis on the written opinion of the International Searching Authority to the International Bureau. The International Bureau will send a copy of such comments to all designated Offices unless an international preliminary examination report has been or is to be established. These comments would also be made available to the public but not before the expiration of 30 months from the priority date.

Within **19 months** from the priority date, but only in respect of some designated Offices, a demand for international preliminary examination must be filed if the applicant wishes to postpone the entry into the national phase **until 30 months** from the priority date (in some Offices even later); otherwise, the applicant must, **within 20 months** from the priority date, perform the prescribed acts for entry into the national phase before those designated Offices.

In respect of other designated Offices, the time limit of **30 months** (or later) will apply even if no demand is filed within 19 months.

See the Annex to Form PCT/IB/301 and, for details about the applicable time limits, Office by Office, see the *PCT Applicant's Guide*, Volume II, National Chapters and the WIPO Internet site.

Name and mailing address of the ISA/ US

Mail Stop PCT, Attn: ISA/US
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Facsimile No. (571) 273-3201

Authorized officer

Andrew Caldwell
Andrew Caldwell

Telephone No. 571-272-0800

PATENT COOPERATION TREATY

PCT

INTERNATIONAL SEARCH REPORT

(PCT Article 18 and Rules 43 and 44)

Applicant's or agent's file reference WHITPCT02	FOR FURTHER ACTION see Form PCT/ISA/220 as well as, where applicable, item 5 below.	
International application No. PCT/US05/28509	International filing date (<i>day/month/year</i>) 09 August 2005 (09.08.2005)	(Earliest) Priority Date (<i>day/month/year</i>)
Applicant MESSAGE LEVEL, LLC		

This international search report has been prepared by this International Searching Authority and is transmitted to the applicant according to Article 18. A copy is being transmitted to the International Bureau.

This international search report consists of a total of 2 sheets.



It is also accompanied by a copy of each prior art document cited in this report.

1. **Basis of the Report**

a. With regard to the **language**, the international search was carried out on the basis of:



the international application in the language in which it was filed.



a translation of the international application into _____, which is the language of a translation furnished for the purposes of international search (Rules 12.3(a) and 23.1(b))

b. ☐ With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, see Box No. I.

2. ☐ **Certain claims were found unsearchable** (See Box No. II)

3. ☐ **Unity of invention is lacking** (See Box No. III)

4. With regard to the **title**,



the text is approved as submitted by the applicant.



the text has been established by this Authority to read as follows:

5. With regard to the **abstract**,



the text is approved as submitted by the applicant.



the text has been established, according to Rule 38.2(b), by this Authority as it appears in Box No. IV. The applicant may, within one month from the date of mailing of this international search report, submit comments to this Authority.

6. With regard to the **drawings**,

a. the figure of the **drawings** to be published with the abstract is Figure No. _____



as suggested by the applicant.



as selected by this Authority, because the applicant failed to suggest a figure.



as selected by this Authority, because this figure better characterizes the invention.

b. ☒

none of the figures is to be published with the abstract.

INTERNATIONAL SEARCH REPORT

International application No.

PCT/US05/28509

A. CLASSIFICATION OF SUBJECT MATTER

IPC: **G06F 15/16** (2006.01)

USPC: 709/204,205,206,207

According to International Patent Classification (IPC) or to both national classification and IPC

B. FIELDS SEARCHED

Minimum documentation searched (classification system followed by classification symbols)

U.S. : 709/204,205,206,207

Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched

Electronic data base consulted during the international search (name of data base and, where practicable, search terms used)

C. DOCUMENTS CONSIDERED TO BE RELEVANT

Category *	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
Y	US 20050015455 A1 (Liu) 20 Jan 2005, see entire document	1-13
Y	US 6,546,416 B1 (Kirsch) 8 April 2003, see entire document	1-13



Further documents are listed in the continuation of Box C.



See patent family annex.

* Special categories of cited documents:	
"A" document defining the general state of the art which is not considered to be of particular relevance	"T" later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention
"E" earlier application or patent published on or after the international filing date	"X" document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone
"L" document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified)	"Y" document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art
"O" document referring to an oral disclosure, use, exhibition or other means	
"P" document published prior to the international filing date but later than the priority date claimed	"&" document member of the same patent family

Date of the actual completion of the international search

02 May 2006 (02.05.2006)

Date of mailing of the international search report

14 JUN 2006

Name and mailing address of the ISA/US

Mail Stop PCT, Attn: ISA/US
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Facsimile No. (571) 273-3201

Authorized officer

Andrew Caldwell
Andrew Caldwell

Telephone No. 571-272-0800

PATENT COOPERATION TREATY

From the
INTERNATIONAL SEARCHING AUTHORITY

To:
CHARLES M. ALLEN
GOODMAN, ALLEN & FILETTI, PLLC
4501 HIGHWOODS PARKWAY, SUITE 210
GLEN ALLEN, VA 23060

PCT

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

(PCT Rule 43bis.1)

Date of mailing
(day/month/year) **14 JUN 2006**

Applicant's or agent's file reference

WHITPCT02

FOR FURTHER ACTION

See paragraph 2 below

International application No.

PCT/US05/28509

International filing date (day/month/year)

09 August 2005 (09.08.2005)

Priority date (day/month/year)

08 September 2005 (08.09.2005)

International Patent Classification (IPC) or both national classification and IPC

IPC: **G06F 15/16**(2006.01)

USPC: 709/206,207

Applicant

MESSAGE LEVEL, LLC

1. This opinion contains indications relating to the following items:

- ☒ Box No. I Basis of the opinion
- ☐ Box No. II Priority
- ☐ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- ☐ Box No. IV Lack of unity of invention
- ☒ Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- ☐ Box No. VI Certain documents cited
- ☐ Box No. VII Certain defects in the international application
- ☐ Box No. VIII Certain observations on the international application

2. FURTHER ACTION

If a demand for international preliminary examination is made, this opinion will be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA/ US

Mail Stop PCT, Attn: ISA/US
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Facsimile No. (571) 273-3201

Date of completion of this opinion

19 May 2006 (19.05.2006)

Authorized officer

Andrew Caldwell
Andrew Caldwell

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**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No.

PCT/US05/28509

Box No. I Basis of this opinion

1. With regard to the **language**, this opinion has been established on the basis of:

- ☒ the international application in the language in which it was filed
- ☐ a translation of the international application into _____, which is the language of a translation furnished for the purposes of international search (Rules 12.3(a) and 23.1(b)).

2. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:

a. type of material

- ☐ a sequence listing
- ☐ table(s) related to the sequence listing

b. format of material

- ☐ on paper
- ☐ in electronic form

c. time of filing/furnishing

- ☐ contained in the international application as filed.
- ☐ filed together with the international application in electronic form.
- ☐ furnished subsequently to this Authority for the purposes of search.

3. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table(s) relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.

4. Additional comments:

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No.
PCT/US05/28509

Box No. V Reasoned statement under Rule 43 bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims <u>NONE</u>	YES
	Claims <u>1-13</u>	NO
Inventive step (IS)	Claims <u>NONE</u>	YES
	Claims <u>1-13</u>	NO
Industrial applicability (IA)	Claims <u>1-13</u>	YES
	Claims <u>NONE</u>	NO

2. Citations and explanations:

Please See Continuation Sheet

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No.
PCT/US05/28509

Supplemental Box

In case the space in any of the preceding boxes is not sufficient.

V. 2. Citations and Explanations:

1. Claims 1-13 lack an inventive step under PCT Article 33(3) as being obvious over Liu (US PG Pub No. 20050015455) in view of Kirsch S. (USPN 6546416).
2. Regarding claim 1, Liu discloses a system for preventing the delivery of unsolicited and undesired electronic messages, comprising: a sending device disposed to transmit electronic messages to at least one receiving device and so further disposed to receive a confirmation request from at least one receiving device wherein said sending device is in communication with a sending module (Liu, [0010]);
 - said sending module comprising:
 - means for generating a key for each said electronic message sent by said sending device wherein each said key is generated by applying an algorithm to data in each such message (Liu, [0065]);
 - means for incorporating each said key with each said electronic messages (Liu, [0092]);
 - means for receiving a confirmation request from a receiving device wherein said confirmation request comprises a key for a suspect message and the data from said suspect message from which said key for said suspect message would have been generated by said sending module had said key for said suspect message been generated by said sending module (Liu, [0092]);
 - means for generating a comparison key by applying said algorithm to said data from said suspect message in said confirmation request (Liu, [0117]);
 - means for comparing said comparison key to said key for a suspect message in said confirmation request and
 - means for replying to said confirmation request confirming that said sending device sent such suspect message when said comparison key is identical to said key for a suspect message and denying that said sending device sent such suspect message when said comparison key is not identical to said key for a suspect message (Liu, [0013],

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Supplemental Box

In case the space in any of the preceding boxes is not sufficient.

[0017]);

Liu discloses the limitations of sending device, but Liu does not specifically disclose about receiving device.

However, Kirsch discloses about:

a receiving device disposed to receive electronic messages from at least one sending device and so further disposed to transmit a confirmation request to at least one a sending device wherein said receiving device is in communication with a receiving module (Kirsch, col.3, l.42-67);

Because, knowing that Lin already mentioned (Liu, [0005]) that the confirmation method and system has been disclosed in Kirsch's selectively blocking delivery of build electronic mail, it would have been obvious to incorporate Kirsch's structure with Liu's structure for SPAM filters. Therefore, the claimed invention would have been obvious to one of ordinary skill in the art at the time of the invention.

said receiving module comprising:

means for temporarily withholding from delivery to the intended recipient an electronic message received by said receiving device (Kirsch, col.8, l.1-15);

means for locating within said received electronic message said key incorporated with said electronic message by a sending module (Kirsch, col.3, l.42-56);

means for locating within said received electronic message data identifying the sending device from which the received electronic message is purported to have been sent (Kirsch, col.3, l.42-56);

means for preparing and transmitting a confirmation request to the sending device identified as the purported sender of said received electronic message, wherein said confirmation request comprises said key incorporated with said electronic message and data from said received electronic message from which said key for said received electronic message would have been generated by said sending module had said key for said suspect message been generated by said sending module (Kirsch, col.3, l.42-56);

means for receiving a reply to said confirmation request wherein said reply affirms or denies that said received electronic message was sent by said sending device identified as the purported sender of said received electronic message (Kirsch, col. 8, l.54-67), and;

means for permitting delivery of said received electronic message to the intended recipient when the reply to said confirmation request message affirms that the sending device identified as the purported sender of the message sent the message (Kirsch, col. 11, l.41-60, col.12, l.1-20).

3. Regarding claim 2, Liu further discloses the system of claim 1 wherein the data from which said key is prepared by said sending module for each said electronic message comprises the date and time the electronic message was prepared and the electronic address for the purported sender of each said electronic message and wherein the data from said suspect message comprising said confirmation request comprises the date and time said suspect electronic message was prepared and the electronic address for the purported sender of said suspect message (Liu, [0042], [0047]).
4. Regarding claim 3, Liu further discloses the system of claim 1 wherein the data from which said key is prepared by said sending module for each said electronic message comprises the date and time the electronic message was prepared, the electronic address for the purported sender of each said electronic message and the electronic address for each intended recipient of said electronic address and wherein the data from said suspect message comprising said confirmation request comprises the date and time said suspect electronic message was prepared, the electronic address for the purported sender of said suspect message, and the electronic address for each intended recipient of said suspect message (Liu, [0046]).
5. Regarding claim 4, Liu further discloses the system of claim 1 wherein the receiving module further comprises means for encrypting said confirmation request and means for decrypting said reply to said confirmation request and wherein the sending module further comprises means for decrypting said confirmation request and means for encrypting said reply to said confirmation request message (Liu, [0052]).

**WRITTEN OPINION OF THE
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Supplemental Box

In case the space in any of the preceding boxes is not sufficient.

6. Regarding claim 5, Liu further discloses the system of claim 1 wherein the receiving module further comprises means for generating and maintaining a database wherein said database comprises data identifying said sending device from which said reply to said confirmation request is received and wherein said means for locating within said received electronic message data identifying the sending device from which the received electronic message is purported to have been sent of said receiving module further comprises means for comparing said data identifying the sending device from which the received electronic message is purported to have been sent with data in said database (Liu, [0042], [0047]).
7. Claim 6 has similar limitation as claim 1. Therefore, claim 6 is rejected for the same reason as set forth for claim 1.
8. Claims 7-8 have similar limitation as claim 1-5. Therefore, claims 7-8 are rejected for the same reason as set forth for claim 1.
9. Claim 9 has similar limitation as claim 1. Therefore, claim 9 is rejected for the same reason as set forth for claim 1.
10. Claim 10 has similar limitation as claim 1. Therefore, claim 10 is rejected for the same reason as set forth for claim 1.
11. Claims 11-12 have similar limitation as claim 1-5. Therefore, claims 11-12 are rejected for the same reason as set forth for claim 1.
12. Claim 13 has similar limitation as claim 1. Therefore, claim 13 is rejected for the same reason as set forth for claim 1.